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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/033,216	12/26/2001	Robert T. Long SR.	1547520/86600	7380				
7590 11/20/2007								
Kent A. Herink, Esq. Suite 2500, The Financial Center 666 Walnut Stret Des Moines, IA 50309		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>KATCHEVES, BASIL S</td></tr></table>			EXAMINER	KATCHEVES, BASIL S		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/033,216

Applicant(s)

LONG, ROBERT T.

Examiner

Basil Katcheves

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The applicant has cancelled claims 1-24. Pending claims 25-38 are examined below.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,138,981 to Keith et al.

Regarding claims 25, 29, 30 34, 37, and 38, Keith discloses a wall panel comprised of two concrete layers (fig. 2: 86, 88) and an insulating layer (84), a plurality of elongated connectors (fig. 3), having bodies extending from between concrete layers, the body has elongated portions (fig. 1D: top side 12 and bottom side opposite to top 12) which extend longitudinally for the length of the body, and the longitudinal portions are laterally spaced apart by a web (thickness 18) having a thickness equal or less and running the length of the body and each connector having two anchorage ends (see ends) inherently capable of transferring forces throughout the wall.

Regarding claims 26 and 31, Keith discloses the wall as being composite, and the inherent ability of the connector to transfer forces.

Regarding claims 27 and 32, Keith discloses a perpendicular lip (30) centrally located.

Regarding claims 28 and 33, Keith discloses the use of fiber reinforced polymer (column 8, lines 45-54) for the connector.

Regarding claims 35 and 36, Keith discloses an anchoring surface formed transversely across the longitudinal portions (fig. 1D: see both the plurality of anchoring notches 53, and the component 26 which passes through both sides).

### **Response to Arguments**

Applicant's arguments filed 9/11/07 have been fully considered but are moot under new grounds of rejections necessitated by the applicant's amendment dated 9/11/07.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

BK

  
Basil Katcheves

11/14/07

Primary Examiner AU 3633